

**REMARKS**

Claims 2, 3, 5-25, and 27-39 are pending in this application. The Office Action rejects claim 1, 2, 4-8, 10-15 and 19-39, and objects to claims 3, 9 and 16-18. By this Amendment, claims 2, 3, 5, 7-10, 12, 15-23, 27-32 and 37-39 are amended, and claims 1, 4 and 26 are canceled. Claim 3 is amended to independent form and includes the limitations of base claim 1 and to include specific reference to RNA. Claims 9 and 16-18 are amended to independent form and include all of the limitations of the base claim and any intervening claims. Claims 2, 5, 7, 8, 10, 12, 15, 19-23, 27-32 and 37-39 are amended to make them dependent on newly amended claims 17 or 18. Thus, no new matter is added. In view of the amendments and the following remarks, reconsideration and allowance are respectfully requested.

Applicants thank the Examiner for the indication that claims 3, 9 and 16-18 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. Double Patenting**

The Office Action rejects claims 1, 19, 22-25 and 33-38 under the judicially created doctrine of obviousness-type double patenting over claims 1-2, 5, 7, 16, 18-19, 22, 24 and 26-35 of U.S. Patent No. 6,376,179. Applicants respectfully traverse the rejection.

Claim 1 is canceled, and unrejected claims 3, 17 and 18 are made independent. As recognized by the Office Action, amended claims 3, 17 and 18 recite allowable subject matter. Claims 19, 33-36 and 38 depend from claim 17, and claims 22-25 and 37 depend from claim 18.

Thus, all of claims 3, 19, 22-25 and 33-38 would not have been obvious over claims 1-2, 5, 7, 16, 18-19, 22, 24 and 26-35 of U.S. Patent No. 6,376,179. Applicants respectfully request reconsideration and withdrawal of this rejection.

**II. Rejections under §103**

The Office Action rejects under 35 U.S.C. §103(a), claims 1, 4-6, 8, 10-13, 19-20, 23-26, 29 and 32-39 over U.S. Patent No. 5,684,149 to Morrow ("Morrow") in view of U.S. Patent No. 5,981,734 to Mirzabekov et al. ("Mirzabekov"); claims 2, 21-22, 27-28, 30-31 over Morrow in view of Mirzabekov and further in view of U.S. Patent No. 5,688,670 to Szostak et al.; claim 7 over Morrow in view of Mirzabekov and further in view of U.S. Patent No. 5,407,797 to Marliere et al.; and claims 14-15 over Morrow in view of Mirzabekov and further in view of U.S. Patent No. 6,297,010 to Stefano. Applicants respectfully traverse these rejections.

As recognized by the Office Action, the prior art does not teach or suggest the subject matter of claims 3, 17 and 18. Claims 2, 5-8, 10-15, 19-25 and 27-39 depend from either claim 17 or 18, and claims 1, 4 and 26 are canceled.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2, 3, 5-25, and 27-39 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

H. James Voeller  
Registration No. 48,015

WPB:HJV/hjv

Date: December 8, 2003

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--